



COUNTY OF LOS ANGELES

DEPARTMENT OF PUBLIC WORKS

"To Enrich Lives Through Effective and Caring Service"

DONALD L. WOLFE, Director

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IN REPLY PLEASE

REFER TO FILE: **MP-5**

March 2, 2006

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, CA 90012

Dear Supervisors:

**RESOLUTION OF SUMMARY VACATION
FUTURE STREET AND SLOPE EASEMENT
EAST OF HILLTOP CLIMB DRIVE
MONTE NIDO
SUPERVISORIAL DISTRICT 3
3 VOTES**

IT IS RECOMMENDED THAT YOUR BOARD:

1. Find that the vacation of a future street and slope easement, pursuant to the enclosed Resolution of Summary Vacation, is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) in accordance with Sections 15304, 15305, and/or 15321 of Title 14 of the California Code of Regulations of the State CEQA Guidelines.
2. Find that:
 - a. Pursuant to Section 8333 (a) of the California Streets and Highways Code, the offer of dedication of road right of way (Future Street) and the slope easement described in the enclosed Resolution of Summary Vacation (hereinafter collectively referred to as the Easements) have not been used for the purposes for which they were dedicated or acquired for the immediately preceding five consecutive years.

- b. Pursuant to Section 8334 (a) of the California Streets and Highways Code, the Easements are excess and not required for street or highway purposes.
 - c. As required by Section 892 of the California Streets and Highways Code, the Easements are not useful as nonmotorized transportation facilities.
- 3. Terminate the offer of dedication of road right of way (Future Street) and abandon the County's right to rescind rejection of that offer pursuant to Section 66477.2 (c) of the California Government Code.
 - 4. Adopt the enclosed Resolution of Summary Vacation, Future Street, and Slope Easement East of Hilltop Climb Drive (Conditional) to terminate and abandon the offer of dedication of road right of way and to vacate the slope easement east of Hilltop Climb Drive, described in Exhibit A and depicted in Exhibit B of the Resolution.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

Mr. Tom Moore, the underlying fee owner, requested this vacation to extinguish public rights and County interest over the unused Easements within the applicant's properties. Mr. Moore desires to construct a residential structure on his property, which would entail the use of a portion of the Future Street and slope easement. Due to the surrounding area's topography, the building site can only be located in an area partly encompassing the areas proposed for vacation. Mr. Moore owns all the lots adjoining the vacation areas. Vacation of the Easements will not have any negative impact on any adjacent properties nor on the adjoining road.

The Easements were dedicated to the County in 1983 and 1990 and were never developed as part of a road right of way.

It is in the County's best interest to terminate and abandon the offer of dedication of road right of way and vacate the slope easement since they no longer serve the purpose for which they were dedicated, and they are not required for general public access, circulation, or as nonmotorized transportation facilities.

Implementation of Strategic Plan Goals

This action meets the County Strategic Plan Goal of Fiscal Responsibility as the vacation of the Easements will result in added revenue through assessment and taxation and reduce the County's possible exposure to liability.

FISCAL IMPACT/FINANCING

Vacation of the Easements will not have any negative fiscal impact on the County's budget. The applicant has paid a fee of \$2,000 to defray the expenses of the investigation. The fee is authorized by your Board in a Resolution adopted May 4, 1982, Synopsis 62 (Fee Schedule) and as prescribed in Section 8321 (d) of the California Streets and Highways Code.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

A Resolution to Vacate the southerly portion of Hilltop Climb Drive was on the October 26, 2004, Agenda as a public hearing matter. However, our request was referred back to Public Works for further consultation with the Mountain Recreation and Conservation Authority (MRCA) and trail users. At issue was the proposed vacation that would have resulted in the loss of access by trail users to Backbone Trail (east of Mr. Moore's property). To alleviate the trail users' concerns over losing this access, Mr. Moore volunteered to dedicate/grant a trail easement to MRCA through a portion of the proposed vacation area. These agencies, however, were unwilling to take responsibility for the maintenance and liability costs relative to owning this proposed trail easement. As a result of this impasse, Mr. Moore has modified his vacation request to exclude that portion of Hilltop Climb Trail that would have blocked access to Backbone Trail.

The remaining areas to be abandoned and vacated contain approximately 7,935 square feet and are shown on the map attached to the Resolution.

The offer of dedication of road right of way (Future Street) was made and slope easement was granted by Document Nos. 83-1529738 and 83-1529740, respectively, both recorded on December 23, 1983, of Official Records, in the Registrar-Recorder/County Clerk's office. A portion of the slope easement was also granted by Document No. 90-1648491, recorded on September 26, 1990, of Official Records, in said Registrar-Recorder/County Clerk's office.

The Streets and Highways Code Section 8333 provides, "The legislative body of a local agency may summarily vacate a public service easement in the following case: (a) The easement has not been used for the purpose for which it was dedicated or acquired for five consecutive years immediately preceding the proposed vacation."

Government Code Section 66477.2 (c), provides, "Offers of dedication which are covered by subdivision (a) [including streets] may be terminated and abandoned in the same manner as prescribed for the summary vacation of streets by Part 3 (commencing with Section 8300) of Division 9 of the Streets and Highways Code.

The proposed vacation is conditioned upon the petitioner executing an affidavit consolidating/merging Lots 1, 6, 7, and 12 of Tract No. 9372 and that portion of Section 17, T1S, R17W (also known as A.P.N. 4456-032-049) into one parcel. This condition must be met to the satisfaction of Public Works within one year of the date this Resolution is adopted by the Board of Supervisors or the vacation and abandonment of the Easements will terminate and become null and void. This condition reduces the number of salable and buildable parcels available to Mr. Moore, thereby limiting development in the region.

Adoption of the enclosed Resolution will terminate the County's rights and interest in the Easements. Your action will also result in the property being unencumbered of the Easements, thereby allowing the underlying fee owner to exercise his reversionary rights over the vacated areas.

ENVIRONMENTAL DOCUMENTATION

Based on the foregoing, this proposed abandonment and vacation are categorically exempt from CEQA as specified in Sections 15304, 15305, and/or 15321 of State CEQA Guidelines.

IMPACT ON CURRENT SERVICES (OR PROJECTS)

The County of Los Angeles Fire Department has found that the proposed abandonment and vacation will not affect its ability to respond to fire and medical emergencies and that no fire protection facilities will be affected by the vacation. The County of Los Angeles Regional Planning Commission has determined that the proposed abandonment and vacation are not in conflict with the County-adopted General Plan and that the vacation areas are not suitable for bicycle paths or trails.

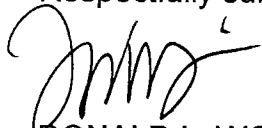
The Honorable Board of Supervisors
March 2, 2006
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CONCLUSION

This action is in the County's best interest. Enclosed are two originals of the Resolution of Summary Vacation, approved as to form by County Counsel. Upon adoption of the Resolution, please return one executed original and a copy to us for further processing. We will record the Resolution and return the executed original Resolution to you when recorded. In the interim, please retain one executed original for your files.

One adopted copy of this letter is requested.

Respectfully submitted,


for DONALD L. WOLFE
Director of Public Works

JLS:in
P5:blHILTOP DR.MN.doc

Enc.

cc: Chief Administrative Officer
County Counsel

**RESOLUTION OF SUMMARY VACATION
FUTURE STREET AND SLOPE EASEMENT
EAST OF HILLTOP CLIMB DRIVE
(CONDITIONAL)**

THE BOARD OF SUPERVISORS OF THE COUNTY OF LOS ANGELES HEREBY FINDS, DETERMINES, AND RESOLVES AS FOLLOWS:

1. The County of Los Angeles is the holder of an offer of dedication for road purposes and easement for slope purposes (hereinafter referred to as the Easements) in, over, and across the real property legally described in Exhibit A, and depicted on Exhibit B, both attached hereto. The Easements, east of Hilltop Climb Drive, are generally located in the vicinity of Monte Nido in the County of Los Angeles, State of California.
2. Mr. Tom Moore (hereinafter referred to as the Fee Owner) is the underlying Fee Owner of the Easements and adjoining Lots 1, 6, 7, and 12 of Tract No. 9372 and a portion of Section 17, T1S, R17W, depicted on Exhibit B.
3. The Easements have been impassable for vehicular travel for a period of five consecutive years and no public money has been expended for maintenance on the Easements during this period.
4. The Easements have not been used for the purpose for which they were dedicated or acquired for the immediately preceding five consecutive years.
5. The Easements are excess rights of way not required for street or highway purposes.
6. There are no in-place public utility facilities that are in use and would be affected by the vacation of the Easements.
7. The Easements are not useful as nonmotorized transportation facilities as defined in Section 887 of the California Streets and Highways Code.
8. The offer of dedication of road right of way and slope easement are hereby terminated and abandoned pursuant to Section 66477.2 (c) of the California Government Code and vacated pursuant to Chapter 4, Part 3, Division 9, of the Streets and Highways Code, State of California, commencing with Section 8330, and subject to the conditions provided for in paragraph 9, below.
9. The vacation of the Easements is conditioned upon the Fee Owner executing an affidavit consolidating/merging Lots 1, 6, 7, and 12 of Tract No. 9372 and that portion of Section 17, T1S, R17W (also known as A.P.N. 4456-032-049),

into one parcel. This condition must be met to the satisfaction of Public Works within one year of the date this Resolution is adopted by the Board of Supervisors or the vacation and abandonment of the Easements will terminate and become null and void.

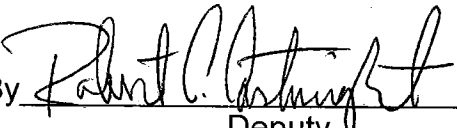
10. Upon the satisfaction of the conditions specified in paragraph 9, above, Public Works will be authorized to record the certified original Resolution in the Registrar-Recorder/County Clerk's office of the County of Los Angeles, at which time the slope easement being vacated will no longer be a public easement, the offer of dedication of road right of way (Future Street) will be terminated, and the County's rights to accept said offer of dedication will be abandoned.

The foregoing Resolution was on the _____ day of _____, 20____, adopted by the Board of Supervisors of the County of Los Angeles, and ex-officio the governing body of all other special assessment and taxing districts for which said Board so acts.

APPROVED AS TO FORM:

RAYMOND G. FORTNER, JR.,
County Counsel

JOANNE STURGES
Acting Executive Officer of the
Board of Supervisors of the
County of Los Angeles

By  _____
Deputy

By _____
Deputy

EXHIBIT A

Future Street and Slope Easement east of Hilltop Climb Drive

A.P.N.'s 4456-031-005, 006, and 011

T.G. 629-A1

I.M. 129-077

S.D. Third District

P.C.A. M0588113

Legal Description

PARCEL 1 (FUTURE STREET):

Those portions of Lots 6, 7, and 12, Tract No. 9372, as shown on map recorded in Book 126, pages 14 through 19, inclusive, of Maps, in the Registrar-Recorder/County Clerk's office of the County of Los Angeles, offered as Parcel 1, as shown on map recorded in deed to said County for public road and highway purposes recorded December 23, 1983, as Document No. 83-1529738, of Official Records, in said Registrar-Recorder/County Clerk's office.

EXCEPT that portion vacated by Resolution adopted by the Los Angeles County Board of Supervisors, recorded on March 21, 1990, as Document No. 90-554944, of Official Records, in said Registrar-Recorder/County Clerk's office.

PARCEL 2 (SLOPE EASEMENT):

Those portions of Lots 6, 7, and 12, of said map and the southeast quarter of Section 17, Township 1 South, Range 17 West, S.B.M. dedicated as Parcel 2, as shown on map recorded in deed to said County for slope purposes, recorded on December 23, 1983, as Document No. 83-1529740 and in document recorded on September 26, 1990, as Document No. 90-1648491, both of Official Records, in said Registrar-Recorder/County Clerk's office.

EXCEPT that portion vacated by Resolution adopted by the Los Angeles County Board of Supervisors, recorded on March 21, 1990, as Document No. 90-554944, of Official Records, in said Registrar-Recorder/County Clerk's office.

Total Area: 7,935± square feet



Description Approved

3/2, 20 06

DONALD L. WOLFE
Director of Public Works

By 
Land Surveyor
Mapping & Property Management Division

JS:in
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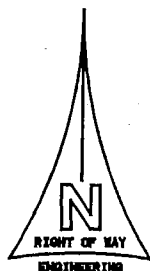
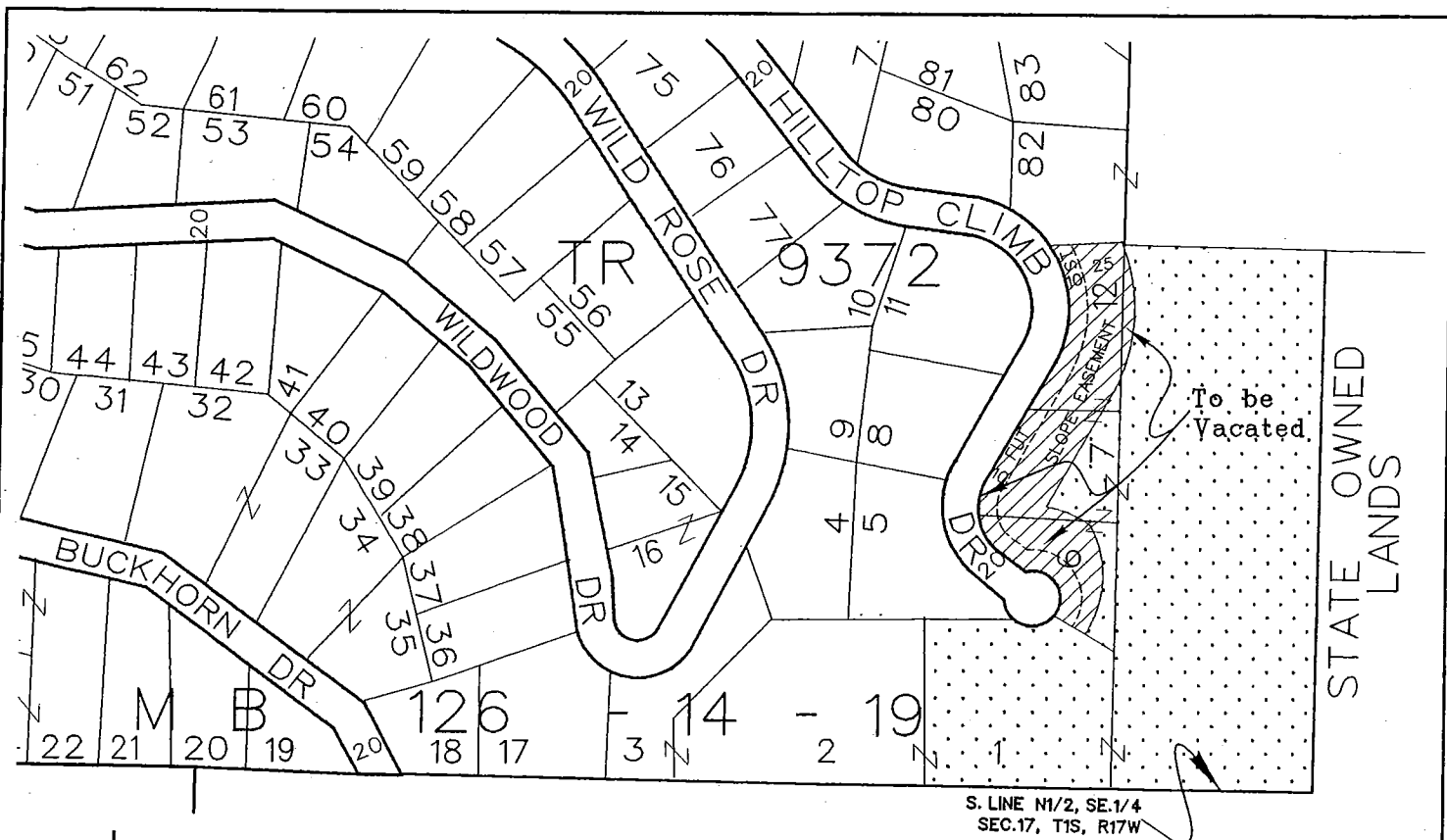
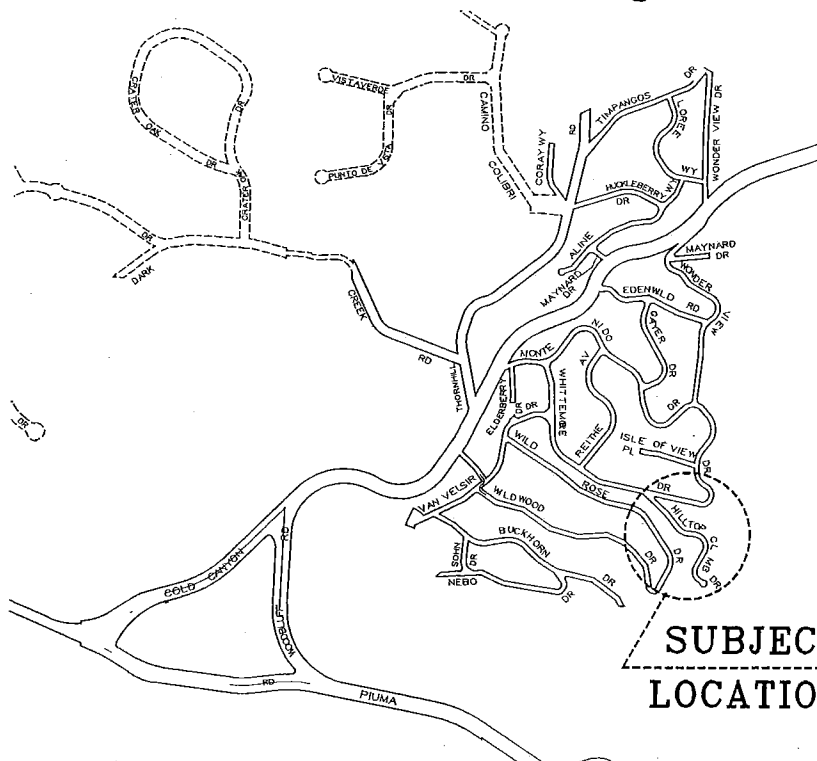




EXHIBIT B



LEGEND

-  To be Vacated
Total Area 7935 ± s.f.
-  Tom Moore
(Applicant)

REVISIONS

1. 4-27-04 2. 2-7-05 3.

DEPARTMENT OF PUBLIC WORKS

MAPPING & PROPERTY MANAGEMENT DIVISION

SD. 3	RD. 339	A.M.B. 4456-031 & 032	T.G. 629-A-1
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**FUTURE STREET
& SLOPE EASEMENT
E/O
HILLTOP CLIMB DR**

DRAWING NO.

M0588113
Previously
M0288109

SCALE NONE	DATE 3-13-02	I.M. 129-077
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